

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PATRICIA ELIZABETH SMEAL,	:	
Executrix of the Estate of GORDON CARL	:	
SMEAL, SR., Individually and in her own right,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	NO. 19-5853
CLARK EQUIPMENT COMPANY, et al.	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 28th day of April, 2022, upon consideration of **(a)** Defendant Clark Equipment Company's Motion for Summary Judgment (Doc. No. 25), Plaintiff's Response (Doc. No. 28), and Clark Equipment Company's Reply (Doc. No. 29); and **(b)** Defendant NACCO Material Handling Group's Motion for Summary Judgment (Doc. No. 26), Plaintiff's Response (Doc. No. 27), and NACCO Material Handling Group's Reply (Doc. No. 30), it is hereby **ORDERED** that both Motions are **DENIED**.

A trial scheduling conference is set for **Tuesday, May 24, 2022 at 2:00 p.m.** The conference shall be held by telephone. Counsel are directed to dial in as follows: (1) Call: 888-684-8852; (2) Enter access code: 2187450#; (3) Press # to enter as a participant.

BY THE COURT:

/s/ *Mitchell S. Goldberg*
MITCHELL S. GOLDBERG, J.